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PATENT  
ATTORNEY DOCKET NO.: 046700-5004-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

05/14/99  
jc595 U.S.  
PTO

Assistant Commissioner for Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

jc503 U.S. PTO  
09/31/99  
05/14/99

PRIOR APPLICATION NO. 09/252,790  
Examiner: Unassigned  
Group Art Unit: 2761

**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART  
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☐ Continuation ☒ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/252,790, METHOD AND SYSTEM FOR CONDUCTING ELECTRONIC AUCTIONS, filed on February 19, 1999:

Inventor(s): Marc Alaia, David Becker, Anthony Bernard, Daniel Heckmann, Sam Kinney, Glen Meakem, Vincent Rago, Jason Reneau, Frederick Roberts William Rupp, and Robert Stevens

2. The papers enclosed are as follows:

66 Page(s) of specification including 1 title page, 46 pages of written description before the claims, 18 pages of claims and 1 page of abstract; and  
15 Sheet(s) of drawings containing 22 Figures

3. Amendments

**For continuation and divisional applications:**

☒ Cancel in this application original claims 1-8 and 34-88 in the enclosed copy of prior application before calculating the filing fee.

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☒ A preliminary amendment is enclosed.

4. Oath or Declaration

**For continuation or divisional applications:**

☐ A newly executed (original or copy) oath or declaration is enclosed.

☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

**For continuation-in-part applications:**

☐ A newly executed (original or copy) oath or declaration is enclosed.

☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Relate Back - 35 U.S.C. § 120

☒ Amend the specification by inserting before the first line the sentence:

"This is a ☐ continuation ☒ divisional ☐ continuation-in-part of copending application

☒ Application No. 09/252,790 filed on February 19, 1999, which claims priority of provisional applications No. 60/101,141, filed on September 18, 1998, and No. 60/110,846, filed on December 4, 1998."

☐ International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed

Certified copy(ies): ☐ is/are attached.

☐ will follow.

☐ was/were filed in prior U.S. Application No. \_\_\_\_\_ on \_\_\_\_\_.

7. Assignment

**For continuation or divisional applications:**

☒ The prior application has been assigned to FreeMarkets OnLine, Inc. The assignments in the prior application were submitted for recordation on April 27, 1999.

☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

**For continuation-in-part applications:**

☐ An assignment of the invention to \_\_\_\_\_ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

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## 8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$760.00 Design \$320.00
Total Claims (37 C.F.R. § 1.16(c))	25 - 20 =	5	\$ 18.00 each =	+ \$ 90.00
Independent Claims (37 C.F.R. § 1.16(b))	3 - 3 =	0	\$ 78.00 each =	+ \$ 0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$260.00	+ \$
SUB-TOTAL =				\$ 850.00
Reduction by ½ for filing by a small entity				- \$ 425.00
TOTAL FILING FEE =				\$ 425.00

## 9. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☒ Enclosed.

A check(s) in the amount of \$ 425.00 to cover the filing fees is enclosed.

- ☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

10. Small Entity Status is claimed and

☐ a statement claiming small entity status is enclosed, or

☒ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at  
**Customer Number: 009629**

12. ☐ Recognize as associate attorney \_\_\_\_\_.  
(name, address, and registration no.)

13. ☒ **PETITION FOR EXTENSION OF TIME**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/252,790, filed February 19, 1999, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).


15. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \_\_\_\_\_ references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_

  
Duane S. Kobayashi  
Reg. No. 41,122

Dated: May 14, 1999

Customer No. 09629  
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